IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 19430 of 2004

Between:

Nadendla Krishna, S/o Satyam,
R/o Purushottapalli Village,
Nidadavolde Mandal, W.G. District. ..... PETITIONER

AND

1 The District Panchayat Officer and Convenor, Sand Auction Committee, W.G. District, Eluru.
2 The Chair Person, Zilla Parishad and Sand Auction Committee, W.G. District, Eluru.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate, Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the Notification dated 3-10-2004 issued by the respondents calling for tenders in respect of Kanuru Reach leased out to the petitioner on
2-12-2003 for one year i.e. upto 2-12-2004 as illegal, arbitrary, unjust and violative of Article 14 and 21 of the Constitution of India and consequently set aside the Notification in respect of Item No. 13 of the Auction-cum- Notification.

Counsel for the Petitioner : Mr.B.S.V.PRAKASH KUMAR

Counsel for Respondent No.1: G.P. FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.2: Ms.JYOTHI ESHWAR GOGINENI

The Court at the stage of admission, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

The present writ petiton is filed questioning the notification dated 3.10.2004 issued by the respondents calling for tenders in respect of Kanuru Reach.

The learned counsel for petitioner submits that the petitioner was granted sand quarry lease of Kanuru Reach for one year from 2.12.2003 to 1.12.2004 and while so, the respondents issued the impugned notification dated 3.10.2004 for auction of 22 reaches lying in West Godavari district including the reach for which the petitioner was granted lease. Questioning the notification, the present writ petition is filed contending that before expiry of the lease period, notifying the reach for auction will amount to termination of lease and therefore the petitioner sought that the respondents shall be restrained from proceeding to conduct the said auction.

The learned Government Pleader appearing for respondents submits that Clause 3 of the said auction notification dated 3.10.2004 specifically states that as the lease period of Kanuru Reach is not yet completed, decision will be taken either to induct the new lease holder after completion of the lease period or to cancel the existing lease.

In the circumstances, it can be seen from the notification that the petitioner either will be allowed to complete the lease period or his lease will be cancelled, and as on today, petitioner has been carrying on the quarry operations as per the lease. Further, the auction was already conducted on 20.10.2004 which is the subject matter of challenge in W.P.No.18397 of 2004 and batch and in view of the petitioner's lease coming to an end within a fortnight, no interference is called for at this stage since the respondents have already stated that they will follow the due procedure if they decide to terminate the existing lease.

Subject to above observation, the writ petition is dismissed.
No costs.

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A.GOPAL REDDY, J

Date: 1711.2004

DA

To

1 The District Panchayat Officer and Convenor, Sand Auction Committee, W.G. District, Eluru.
2 The Chair Person, Zilla Parishad and Sand Auction Committee, W.G. District, Eluru.

3 Two CCs to the G.P. for G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT).

4 Two spare copies.